

# BEST AVAILABLE COPY

Application Serial No. 10/783,486

Response to Office Action mailed Sept. 27, 2004

Practitioner's Docket No. LAR 16324-2

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: William C. Edwards et al.

Application No.: 10/783,486

Group No.: 2636

Examiner: Lieu, Julie B.

For: Self-Activating System And Method For Alerting When An Object Or A Person Is Left Unattended

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

### TERMINAL DISCLAIMER TO OBLIGATE A DOUBLE PATENTING REJECTION (37 C.F.R. § 1.321(c))

#### **Identification of Person(s) Making This Disclaimer**

I, Kurt G. Hammerle, represent that I am an attorney of record.

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#### EXTENT OF DISCLAIMANT'S INTEREST

The extent of the interest in this invention that the disclaimant owns is in the whole of this invention.

#### DISCLAIMER (Obviousness-Type Double Patenting Rejection over a Prior Patent)

Petitioner hereby disclaims, except as provided below, the terminal part of any patent granted on the instant application, which would extend beyond the expiration date of U.S. Patent No. 6,714,132 as presently shortened by any terminal disclaimer.

Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above-listed patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the patent forming the basis of the double patenting rejection, namely, U.S. Patent No. 6,714,132, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under

37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

**DISCLAIMER FEE (37 C.F.R. § 1.20(d))**

Other than a small entity fee--\$110.00.

**FEE PAYMENT**

Authorization is hereby made to charge the amount of \$110.00 to Deposit Account No. 14-0116.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

DECEMBER 9, 2004

Date

*Kurt G. Hammerle*

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Kurt G. Hammerle  
Registration No. 36,819  
NASA Langley Research Center  
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757-864-2470  
Customer No. 23351



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NASA Langley Research Center  
KURT G. HAMMERLE  
MAIL STOP 212  
HAMPTON, VA 23681-2199



\*102026910A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 11/27/2001

REEL/FRAME: 012685/0750  
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

EDWARDS, WILLIAM CHRISTOPHER

DOC DATE: 11/26/2001

ASSIGNOR:

MACK, TERRY L.

DOC DATE: 11/26/2001

ASSIGNOR:

MODLIN, EDWARD A.

DOC DATE: 11/26/2001

ASSIGNEE:

NATIONAL AERONAUTICS AND SPACE  
ADMINISTRATION, THE UNITED  
STATES GOVERNMENT, AS  
REPRESENTED BY THE ADMINISTRATOR  
WASHINGTON, D.C., U.S. ARMY

20546-0001

SERIAL NUMBER: 10011229  
PATENT NUMBER:

FILING DATE: 11/27/2001  
ISSUE DATE:



012685/0750 PAGE 2

VIOLET MCCOY, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS



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PATENT TRADEMARK OFFICE

Practitioner's Docket No. LAR 16324-1

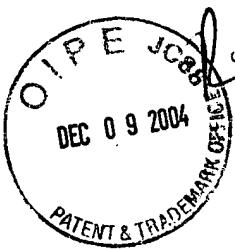
U.S. Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

03-21-2002



102026910

PATENT APPLICATION



COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING  
NEW PATENT APPLICATION (37 C.F.R. section 3.31)



IDENTIFICATION OF APPLICATION  
(37 C.F.R. section 3.21 and 37 C.F.R. section 3.31(a)(4))

1. The patent application filed herewith and, to which the attached assignment (document) refers, is identified as follows:
  - a. Type of application: Application of patent (37 C.F.R. section 1.53(b))
  - b. Date of execution: November 26, 2001
  - c. Name of each inventor:  
1: Edwards, William Christopher  
2: Mack, Terry L.  
3: Modlin, Edward A.
  - d. Title of invention: SELF-ACTIVATING SYSTEM AND METHOD FOR ALERTING WHEN AN OBJECT OR A PERSON IS LEFT UNATTENDED

11.27.01

10011229

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CERTIFICATION UNDER 37 C.F.R. SECTION 1.10\*

(Express Mail label number is mandatory.)

(Express Mail certification is optional.)

I hereby certify that this "Cover Sheet for Assignment (Document) Accompanying New Patent Application" and the documents referred to as attached therein are being deposited with the United States Postal Service on this date 11/27/2001, in an envelope as "Express Mail Post Office to Addressee," mailing Label Number ET110048283US, addressed to the: U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202.

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Kurt G. Hammerle  
Reg. No. 36,819

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"Since the filing of correspondence under SECTION 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

**NAME OF PARTY(IES) CONVEYING INTEREST (37 C.F.R. section 3.31(a)(1))**

2. The parties conveying this interest are:

Edwards, William Christopher  
Mack, Terry L.  
Modlin, Edward A.

jc720 U.S. Pro  
10/011229  
11/27/01



**NAME AND ADDRESS OF PARTY(IES) RECEIVING INTEREST  
(37 C.F.R. section 3.31(a)(2))**

3. The rights are being conveyed to: The United States Government, as represented by the administrator of the National Aeronautics and Space Administration.

Washington, D.C. 20546-0001

**DESCRIPTION OF INTEREST CONVEYED OR TRANSACTION RECORDED  
(37 C.F.R. section 3.31 (a)(3))**

4. The accompanying document intends to accomplish: an assignment.

**NAME AND ADDRESS OF PARTY TO WHOM CORRESPONDENCE  
SHOULD BE MAILED (37 C.F.R. section 3.31(a)(5))**

5. Please address correspondence to:

NASA Langley Research Center  
Mail Stop 212  
Hampton, VA 23681-2199  
757-864-2470

**DATE ASSIGNMENT (DOCUMENT) EXECUTED (37 C.F.R. section 3.31(a)(7))**

6. The attached assignment (document) was executed on November 26, 2001.

**LANGUAGE OF ASSIGNMENT (DOCUMENT) TO BE RECORDED**

7. The attached document is in the English language.

**ORIGINAL DOCUMENT OR TRUE COPY SUBMITTED**

8. Submitted herewith is the original document.

**NUMBER OF APPLICATIONS IDENTIFIED IN THIS COVER SHEET  
AND THE FEE**

9. A. This cover sheet identifies only one application.  
B. The fee for recordal (37 C.F.R. section 1.21(h)) is \$40. Please charge Account 14-0116. A duplicate of this cover sheet is attached.

For: U.S. Rights  
For: U.S. Application  
By: Inventors

**ASSIGNMENT OF INVENTION**

In consideration of the payment by ASSIGNEE to ASSIGNORS of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration,

**ASSIGNORS:**

William Christopher Edwards  
6 Rochambeau Drive  
Poquoson, VA 23662  
Nationality: USA

Terry L. Mack  
40 Peterborough Drive  
Hampton, VA 23666  
Nationality: USA

Edward A. Modlin  
305 Treis Trace  
Yorktown, VA 23693  
Nationality: USA

hereby sell, assign and transfer to

**ASSIGNEE:** The United States Government, as represented by the administrator of the National Aeronautics and Space Administration, and the successors, assigns and legal representatives of the ASSIGNEE the entire right, title and interest for the United States and its territorial possessions in and to any and all improvements which are disclosed in the invention entitled:

**SELF-ACTIVATING SYSTEM AND METHOD FOR ALERTING WHEN AN OBJECT  
OR A PERSON IS LEFT UNATTENDED**

and which is found in (37 C.F.R. section 3.21) U.S. patent application executed on August 17, 2001 and, in and to, all Letters Patent to be obtained for said invention by the above application or any continuation, division, renewal, or substitute thereof, and as to letters patent any reissue or re-examination thereof.

ASSIGNORS hereby covenant that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment.



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PATENT TRADEMARK OFFICE

ASSIGNORS further covenant that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNORS and will testify as to the same in any interference, litigation or proceeding related thereto and will promptly execute and deliver to ASSIGNEE or its legal representatives any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof.

Date: 11/26/01

William Christopher Edwards  
Signature of William Christopher Edwards

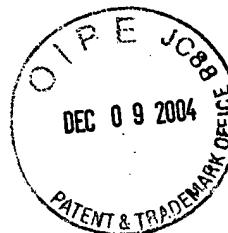
Date: 11/26/01

Terry L. Mack  
Signature of Terry L. Mack

Date: 11/26/01

Edward A. Modlin  
Signature of Edward A. Modlin

Practitioner's Docket No. LAR 16324-2



PATENT

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

**COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING  
NEW PATENT APPLICATION (37 C.F.R. § 3.31)**

**IDENTIFICATION OF APPLICATION  
(37 C.F.R. § 3.21 and 37 C.F.R. § 3.31(a)(4))**

1. The patent application filed herewith and, to which the attached assignment (document) refers, is identified as follows:
  - a. Type of application: Application of patent (37 C.F.R. § 1.53(b))
  - b. Date of execution: February 20, 2004
  - c. Name of each inventor:

1: William Christopher Edwards  
2: Terry L. Mack  
3: Edward A. Modlin
  - d. Title of invention: Self-Activating System and Method for Alerting When an Object or a Person is Left Unattended

**NAME OF PARTIES CONVEYING INTEREST (37 C.F.R. § 3.31(a)(1))**

2. The parties conveying this interest are:

William Christopher Edwards  
Edward A. Modlin

**NAME AND ADDRESS OF PARTIES RECEIVING INTEREST  
(37 C.F.R. § 3.31(a)(2))**

3. The rights are being conveyed to:

United States of America as represented by the Administrator of the National Aeronautics and Space Administration  
Washington, D.C. 20546

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**DESCRIPTION OF INTEREST CONVEYED OR TRANSACTION RECORDED**  
**(37 C.F.R. § 3.31 (a)(3))**

4. The accompanying document intends to accomplish:  
an assignment.

**NAME AND ADDRESS OF PARTY TO WHOM CORRESPONDENCE  
SHOULD BE MAILED (37 C.F.R. § 3.31(a)(5))**

5. Please address correspondence to:

NASA Langley Research Center  
Mail Stop 212  
Hampton VA 23681-2199  
757-864-2470

**DATE ASSIGNMENT (DOCUMENT) EXECUTED (37 C.F.R. § 3.31(a)(7))**

6. The attached assignment (document) was executed on February 20, 2004.

**LANGUAGE OF ASSIGNMENT (DOCUMENT) TO BE RECORDED**

7. The attached document is in the English language.

**ORIGINAL DOCUMENT OR TRUE COPY SUBMITTED**

8. Submitted herewith is the original document.

**NUMBER OF APPLICATIONS IDENTIFIED IN THIS COVER SHEET  
AND THE FEE**

9. A. This cover sheet identifies only one application.  
B. The fee for recordal (37 C.F.R. § 1.21(h)) is \$40.00.

Authorization is hereby made to charge the amount of \$40.00 to Deposit Account No. 14-0116.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

STATEMENT (37 C.F.R. § 3.31(a)(9))  
AND SIGNATURE (37 C.F.R. § 3.31(a)(10))

10. To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Date: FEBRUARY 20, 2004

Kurt G. Hammerle

Kurt G. Hammerle  
Registration No. 36,819  
NASA Langley Research Center  
Mail Stop 212  
Hampton, VA 23681-2199  
757-864-2470  
Customer No. 23351

TOTAL NUMBER OF PAGES BEING SUBMITTED

11. The total number of pages being submitted, including cover sheet, attachment(s), and document(s) is: 5



National  
Aeronautics and  
Space  
Administration

Patent Application

## Assignment to the Government (by Government Employee)

Title of Invention: Self-Activating System and Method for Alerting When an Object or a Person is Left Unattended

Inventor(s): William Christopher Edwards, Terry L. Mack, and Edward A. Modlin

NASA Case No.: LAR 16324-2 Application No.\*: \_\_\_\_\_ Filing Date\*: 02/20/2004

WHEREAS, the parties to this Assignment and Agreement are the undersigned inventor(s) and the United States Government (hereafter Government), as represented by the Administrator of the National Aeronautics and Space Administration;

WHEREAS, the making of this Assignment and Agreement is in accordance with 37 CFR Part 501; and

WHEREAS, the undersigned inventor(s) has (have) executed, on the date(s) indicated below, an application for United States Patent on the above-entitled invention.

NOW THEREFORE, in consideration of employment by the Government, the undersigned hereby:

1. Assign to the Government my (our) full and exclusive right in and to said invention within the United States of America, its territories and possessions, and my (our) entire right, title and interest in and to said application, and any corresponding continuation or divisional application(s) and any patent(s) that may issue therefrom.

2. Agree to grant to the Government my (our) full and exclusive foreign rights in and to said invention, in accordance with 37 CFR 501.9(d), including rights of priority under the International Convention of Paris (1883), as amended. If the Government chooses not to file an application in any foreign country, I (we) may request rights in that country, in accordance with 37 CFR 501.9(d), and such rights will be subject to the reservation to the Government of a nonexclusive, irrevocable, royalty-free license in the invention with power to grant licenses for all governmental purposes. The terms of such reservation will appear, where practicable, in any foreign patent which may issue on such invention.

3. Agree, at the expense of the Government, (a) to execute any document for, (b) to deliver any requested information to, and (c) to cooperate in any manner with the Government in order to allow the Government to protect any interest transferred by this Assignment and Agreement.

\*4. Authorize and request the attorneys of record in the application to insert the application number and filing date above when required.

William Christopher Edwards  
(Signature of Inventor)

2-20-04

(Date Assignment Executed)

(Date Application Executed)

William Christopher Edwards

(Inventor's Typed Name)

112 White House Drive, Poquoson, VA 23662 US

(Mailing Address - Including Country)

Edward A. Modlin  
(Signature of Inventor)

2/20/04

(Date Assignment Executed)

(Date Application Executed)

Edward A. Modlin

(Inventor's Typed Name)

305 Treis Trace, Yorktown, VA 23693 US

(Mailing Address - Including Country)

(Signature of Inventor)

(Date Assignment Executed)

(Date Application Executed)

(Inventor's Typed Name)

(Mailing Address - Including Country)

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